

JSW
gman

20 March 1968

MEMORANDUM FOR THE RECORD

SUBJECT: H.R. 15545 - 90th Congress, Second Session

1. H.R. 15545 updates the War Claims Act of 1948 to include the "Vietnam conflict." It provides additional benefits which appear to be payable to Federal civilian employees without any offset of Missing Persons Act payments. The benefits extend back to December 1, 1961.

2. It also updates "prisoner of war" benefits arising out of the Vietnam conflict. This, by the terms of the bill, applies to members of the Armed Forces.

3. There appears to be a statutory precedent for this bill for the "Korean conflict."

4. H.R. 15545 has been distributed to: [REDACTED] FE, and SAVA. It is not active. [REDACTED]

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Distribution:

Orig. - Subject

1 - [REDACTED] BSD

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OLC/LLM:rw (21 March 1968)

Proposed amendment to section 5 of the War Claims Act of 1948
(50 U.S.C. App. 2004) - new subsection (i)(1)(B)

"(B) The term 'civilian American citizen' means
any person who, during the Vietnam conflict, being then
a citizen of the United States, was captured by any force hostile
hostile to the United States, ^{in the East Asia and Pacific Area} went into hiding ~~in the East~~
~~Asia and Pacific Area~~ in order to avoid capture or
internment by any such hostile force, was interned,
or was detained against his will for reasons other than
unauthorized activities, in the East Asia and Pacific
Area, except (i) a person who voluntarily, knowingly,
and without duress, gave aid to or collaborated with
or in any manner served any such hostile force, ~~or~~
(ii) a regularly appointed, enrolled, enlisted, or
inducted member of the Armed Forces of the United
States, ^{or} (iii) ^{a civilian employee of the Armed Forces of}
^{the United States.}

Proposed amendment to section 6 of the War Claims Act of 1948
(50 U.S.C. App. 2005) - new subsection (f)

"(B) The term 'prisoner of war' means any person who, being then a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States or a civilian employee of the Armed Forces of the United States, during the Vietnam conflict was held in custody by any force hostile to the United States, was interned, or was detained against his will for reasons other than unauthorized activities, in the East Asia and Pacific Area for any time during the Vietnam conflict and who was entitled to the status of a prisoner of war under the Geneva Convention of August 12, 1949, relative to the Treatment of Prisoners of War, while so held, except any such member who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with, or in any manner served, such hostile force.

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Remarks:

Attached is material we received from DOD concerning proposed legislation to update the War Claims Act of 1948 to include the "Vietnam conflict." Please advise us if you concur in DOD's position and any changes you would recommend.



Office of Legislative Counsel

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